

• الْحُكْمُ الْمَقَامُ فِي الْأَسْأَلِ •

THE RULINGS OF THE GRAVEYARDS IN ISLAM

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

01

THE RULINGS OF THE GRAVEYARDS IN ISLAM

Introduction

In the name of Allah, the Most Gracious, the Most Merciful.

Indeed, all praise is due to Allah. We praise Him, seek His help and forgiveness, and we seek refuge in Allah from the evils of ourselves and from the evil consequences of our deeds. Whomever Allah guides, none can misguide; and whosoever Allah allows to go astray, none can guide.

I bear witness that there is no deity worthy of worship except Allah, alone, without partner, and I bear witness that Muhammad ﷺ is His servant and Messenger.

To proceed:

We thank Allah, the Most High, for the blessing of Islam and the blessing of health and safety. We also extend our gratitude to those in charge of the *Riyadh al-Saliheen* Center in Dubai for their scholarly efforts

Today's lecture is entitled:

“The Rulings of Graveyards in Islam.”

Allah Almighty has honored this Ummah (nation) with the Shari'a of Islam, which is free of shortcomings or defects. Therefore, this everlasting Shari'a law left nothing that people would be interested in knowing about their present and future matters except that it made it clear. Among what this great Shari'a has clarified are the rulings of the dead, what the living are obligated to do towards them, and what must be taken into account regarding the rights of their homes — which are the cemeteries.

The importance of this lecture (*The Rulings of Graveyards in Islam*) is that this topic is related to people's daily lives. Therefore, these rulings that have to do with

graveyards and the sanctity that is required of their inhabitants are matters that may be hidden from many people among Muslims, despite their great need for this topic.

Therefore, the people of knowledge and those who carry it must explain this matter to the people. This topic fulfills the needs of society, and clarifying the rulings related to graves in Islam and spreading them is an aid toward righteousness and piety.

There has not been a lot written or lectures given on this subject (the rulings on graveyards) and today many Muslims fall between two extremes on the issue. Some of them commit excess or go to extremes in honoring the graves. These are the ones who violate the Tawhid of Allah Almighty (Monotheism) and associate the people of the graves with Him (in worship). Others have forgotten — either unintentionally or intentionally — much of how the people of the graves should be treated, such as being good to them and treating them with what will benefit them in their graves and on the Day that is appointed for their reckoning.

All nations, civilizations, and religions differ in their methods and ways of dealing with the dead. However, the approach of Islam and the guidance of the Messenger

of Allah ﷻ is different from the guidance of the rest of the nations, as it includes moderation. Allah Almighty said in His Book:

﴿وَكَذَلِكَ جَعَلْنَاكُمْ أُمَّةً وَسَطًا﴾

“And thus We have made you a moderate nation.”⁽¹⁾

Therefore, it is necessary to clarify this guidance, make people aware of it, and speak about the rulings of graveyards in Islam.

The discussion about the rulings of graveyards will focus on **practical jurisprudential issues (Fiqh)** regarding the rulings on graves, and not on issues that have to do with belief (**Aqeedah**), such as the questioning of the two angels (in the grave), the bliss and torment of the grave, innovations related to graves, and other related topics.

The discussion in this lecture will be about the legal, jurisprudential, and practical rulings of graveyards. Therefore, we will give a definition of the Arabic word “مقابر (maqābir)” — graveyards, and we will mention the ruling on burial, the rulings that are specific to the grave,

(1) Surah Al-Baqarah Verse: 143

and the rulings regarding the dead person who is buried. Then, we will refer to the many issues related to graveyards while mentioning the rulings on visiting graves.

القَبْر (**al-qabr**) is a singular noun; its plural is قُبُور (**qubūr**), meaning: graves. It refers to the burial place of a dead person. In Arabic, we say the verb قَبَرَ (**qabara**) — to bury the dead in a grave, and the verb أَقْبَرَ (**aqbara**) — to give the order to someone else to carry out the burial. This is how the scholars of tafsīr have interpreted the saying of Allah, the Exalted:

﴿ثُمَّ أَمَاتَهُ فَأَقْبَرَهُ﴾

“Then He causes him to die and be buried.”⁽²⁾

They said, that is, He causes him to be buried in a grave and did not make him something that is thrown on the ground for birds and wild animals.

And مَقَابِر (**maqābir**) is the plural noun of مَقْبَرَةٌ (**maqbarah**) or مَقْبُرَةٌ (**maqburah**), which means graveyard. This is the definition in the Arabic language.

The grave has been an ongoing practice (sunnah) since the death of the first man on the face of the earth. The grave is a dignity for man, and no one deviated from this

(2) Surah ‘Abasa Verse: 21

Sunnah of burying the dead — which is the way of all living beings among the children of Adam — except for a few deviant groups.

It has been known in some pagan religions, even up to this day, that they do not bury the dead, but rather burn them with fire. This is a deviation (from the truth) and a misguidance in addition to the misguidance they are already upon.

Allah Almighty honored man with entombment, because the purpose of burying the dead is to cover their private parts under the rubble, away from the sight of the living. Muslims have unanimously agreed that burying the dead is a communal obligation (*farḍ kifāyah*). If some of them carry it out, it is waived for the rest of them.

Those who are meant to carry this out are the closest relatives of the deceased, followed by the neighbors, and then the rest of the Muslims.

Also, there should be no feelings of vileness and loss of dignity in burying the dead, or in placing him in the grave, or in carrying him. Rather, it is an act of righteousness and obedience, and an act of honor for the dead. It was practiced by the Companions, the Successors, and the people of virtue and knowledge who came after them.

So, burying the dead, being gentle with him during burial, washing him beforehand, carrying him, and hastening to prepare his funeral — all of these are manifestations that indicate honor and respect for the deceased.

Therefore, when the dead is placed in his grave, he should be respected, and it is not permissible to assault or harm him. For the grave is the dead person's house, and the Muslim has a sanctity in it, as stated in the Sunnah. Thus, no impurities should be left on the grave — according to the consensus of the scholars — nor should it be stepped on, trampled on, or leaned on, according to the majority of scholars.

Respecting the dead in his grave is the same as respecting him in his home in which he lived in this world. Graves are the homes and dwellings of the dead, in which mercy descends from their Lord, and favors descend upon those who did good among them. For they are the homes of those who have been granted mercy. Honoring and respecting these homes indicates the perfection of the virtues of the Shari'ah.

This was a necessary introduction. Next, we will talk about some issues related to the burial of the dead: the issue of preparing the grave before death, and the ruling on preparing the **kafan** (*shroud*) before death.

THE RULING ON PREPARING THE GRAVE AND THE “KAFAN” BEFORE DEATH

Most fuqahā (jurists) state that it is permissible to prepare the shroud before death, and they cite as evidence the hadith narrated by Al-Bukhari and others from the narration of Sahl Ibn Sa’d Al-Sa’idi رضي الله عنه :

“A woman brought a woven burda (sheet) having an edging (border) to the Prophet ﷺ. Then Sahl asked them whether they knew what a burda was. They said that a burda is a cloak, and Sahl confirmed their reply. Then the

woman said: "I have woven it with my own hands, and I have brought it so that you may wear it." The Prophet ﷺ accepted it, and at that time he was in need of it. So he came out wearing it as his "izaar" waist-sheet. A man praised it and said: "Will you give it to me? How nice it is!" The other people said: "You have not done the right thing as the Prophet ﷺ is in need of it and you have asked for it when you know that he never turns down anybody's request." The man replied, "By Allah, I have not asked for it to wear it but to make it my shroud." Later it was his shroud."

The scholars took from this hadith that it is permissible to prepare the shroud before death, and to be self-prepared by doing so, based on the action of this companion, and on the absence of any objection to it. The reason for the Companions' objection was only because he asked the Prophet ﷺ to give him his burda, so when he informed them of his excuse, no further objections were made.

Furthermore, this hadith indicates the permissibility of preparing the shroud before a person's death, because it is a reminder of death and a preparation for it.

Here are two issues: Is it permissible to set up the grave before death? and what is the ruling on buying a burial plot before death?

03 THE RULING ON BUYING THE PLOT IN WHICH A PERSON WILL BE BURIED

Many scholars have said: there is no harm in a person buying a burial plot before death and making a will to be buried in it. They cited as evidence the actions of Uthman ibn ‘Affan and ‘Aisha, رضي الله عنها and Omar ibn Abdul ‘Aziz رضي الله عنه. The Maliki jurists indicated the permissibility of digging one’s grave on one's own land. So, purchasing the gravesite is all the more appropriate in this regard.

THE RULING ON DIGGING A GRAVE BEFORE DEATH

The scholars differed on four opinions:

First: Some scholars said that it is not permissible to dig a grave before death at all, and this is the opinion of the Malikis and Shafi'is, and they supported this opinion with evidence, such as the Almighty's saying:

﴿وَمَا تَدْرِي نَفْسٌ بِأَيِّ أَرْضٍ تَمُوتُ﴾
إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ

“And no soul knows in what land he will die.”⁽³⁾

Some said, he does not know whether he will die there (where he dug his grave) or not. Others said that he may die in another place, so others would think that it is no one's grave, and thus commit an unlawful seizure (ghasb).⁽⁴⁾

Third: It's disliked "makrouh" for a person to dig a grave for himself.

Fourth: This issue is covered in detail, whether the digging is on a property he owns or in a public cemetery. If he digs a grave on his property to be buried in it after his death, this is permissible, but if he digs a grave in a public cemetery, then this is not permissible. This is also the opinion of some Malikis and some Hanbalis, they even said that this is (haram) forbidden.

After considering these opinions, it is likely that:

If the grave, or the grave being dug before it is needed, is in a public cemetery, then it is forbidden because it deprives others of it, and whoever comes forward is more deserving of this place than him.

(3) Surah Luqman Verse: 34

(4) The author did not clearly articulate the second opinion, so it was not included in the text.

If digging the grave before death is on his property, then this is disliked because he does not know whether he will be buried in it after his death or not, so the need becomes uncertain in this case.

Thus, Sheikh al-Islam Ibn Taymiyyah, رحمه الله said:

«لا يستحب للرجل أن يحفر قبره قبل أن يموت فإن النبي ﷺ لم يفعل ذلك لا هو ولا أصحابه والعبد لا يدري أين يموت وإذا كان مقصود الرجل استعداد الموت فهذا يكون من العمل الصالح».

“It is not desirable for a man to dig his grave before he dies, as the Prophet ﷺ did not do that nor did his companions, and the slave (of Allah) does not know where his life will end , but if the man’s intention is to prepare for death, then this is considered a good deed.”⁽⁵⁾

This is a strong statement.



(5) Al-Ikhtiyarat Al-Fiqhiyyah (page89)

05 THE RULING OF THE NICHE AND THE DITCH

Also, (there is) another issue; which is the issue of the lahd (the niche) and the shaqq (the ditch) in the grave. In the arabic language we say: لَحَدْتُ لِلْقَبْرِ لَحْدًا lahadtu or أَلَحَدْتُ أَلْحَدًا alhadtu meaning I made a niche in the grave, and it is called lahd because it is tilted away from the middle of the grave to its side, and the shaqq is a ditch or slit that is cut into the ground (in the middle of the grave).

The scholars unanimously agreed that burial in the lahd or the shaqq is permissible, and Al-wazeer Ibn Hubayra  mentioned the agreement (of the scholars) that the sunnah is the niche and that the ditch is not a sunnah. For this reason the majority of the fuqahā (jurists) from the Hanafi, Maliki and Shafi'i schools went on to say that the sunnah is the lahd and that it is better than the shaqq. The Hanbalis and Zahiris⁽⁶⁾ held the opinion that the lahd was preferred, whether the ground is hard or soft. So, the lahd is better and the shaq is permissible.



(6) (a school of thought that follows the apparent meaning of the texts and not looking at the basis of rulings, and they do not believe in making "qiyas" analogies)

THE RULING ON THROWING THE DEAD INTO THE SEA

First: The Hanafi, Maliki, Shafi'i and Hanbali jurists agreed that if someone died in the middle of the ocean and it was possible for him to be brought to the coast to be buried there, those with him must wait until they reach the coast, and this is evidenced by what was narrated on the authority of Anas ibn Malik رضي الله عنه : “That Abu Talha رضي الله عنه sailed in an ocean

and died, and they did not find a place to bury him except for an island after seven days, so they buried him there and his body did not decompose.”⁽⁷⁾

Second: If it is not possible to reach the coast before the dead person decomposes, and some harm occurs to body due to their distance from the coast, or fear of an enemy, or a lion or the like, the jurists agreed that he must be thrown into the sea after being washed, shrouded, and prayed over.



(7) Narrated by Al-Bayhaqi in his Sunan (6774), and Al-Hakim in Al-Mustadrak (2503), and he said: This is an authentic hadith according to Muslim’s conditions, and Al-Nawawi said in Al-Majmu’ (5/286): Its chain of narration is authentic

THE RULING ON BURYING IN A COFFIN

التابوت "attabut" (the coffin) is a box in which the dead person is placed, and it is also called التابوه attabuh in the language of the Arabs, and it is mentioned in the Qur'an in the sense of a box or a chest, as Allah ﷻ said:

﴿أَنْ أَقْذِفِيهِ فِي التَّابُوتِ فَاقْذِفِيهِ فِي الْيَمِّ
فَلْيُلْقِهِ الْيَمُّ بِالسَّاحِلِ﴾

“Cast him into the chest and cast it into the river, and the river will throw it onto the bank”⁽⁸⁾

And Allah ﷻ said:

﴿إِنَّ آيَةَ مُلْكِهِ أَنْ يَأْتِيَكُمُ التَّابُوتُ فِيهِ سَكِينَةٌ مِّن رَّبِّكُمْ﴾

“Indeed the sign of his kingship is that the chest will come to you in which is assurance from your Lord.”⁽⁹⁾

Any container that holds something is called تابوت tabut, a coffin. The coffin is a box made of stone or wood in which the body is placed. This is one of the customs of the ancient Egyptians, as stated in some books. They used to place pictures and drawings on the coffin.

So, what is the ruling on burying (the dead) in a coffin?

First: The jurists from the Hanafi, Maliki, Shafi'i and Hanbali schools agreed that it is disliked for a man to be buried in a coffin without any necessity, and they cited a consensus (of scholars regarding this issue). Al-Nawawi رحمه الله narrated the consensus, saying:

«لا أعلم فيه خلافا».

“I do not know of any disagreement regarding it.”

(8) Surah Taha Verse: 39

(9) Surah Al-Baqarah Verse: 248

Meaning there is no disagreement about it among the Muslims that it is disliked and forbidden to be buried in a coffin.

Also, Al-Nawawi رحمه الله said:

«كراهة التابوت مذهبنا ومذهب العلماء كافة وأظنه إجماعاً».

“The dislike of the coffin is our doctrine and the doctrine of all the scholars, and I think it is a consensus.”⁽¹⁰⁾

Second: It was not reported from the Prophet ﷺ nor from any of the Companions رضي الله عنهم burying in a coffin, and that is why some jurists declared that it is a bid’a (an innovation), as in Al-Mughni by Ibn Qudamah⁽¹¹⁾, Mughni Al-Muhtaj by Al-Shirbini⁽¹²⁾ and also in Kashshaf al-Qinaa’ and in other books.

Third: Burying in a coffin is part of the Christian custom and it’s their way of burying their dead, and it is not permissible to imitate them. They (jurists) also said: It is forbidden to bury in a coffin because it is made of wood; and the jurists agreed that wood is disliked. Ibrahim Al-Nakha’i رحمه الله said:

(10) Al-Majmu’ of Al-Nawawi (5/252)

(11) Al-Mughni (5/287-288)

(12) Mughni Al-Muhtaj (2/53)

«كانوا يستحبون اللبنة ويكرهون الخشب،

ولا يستحبون الدفن في تابوت».

“They liked bricks and disliked wood, and did not like being buried in a coffin”, as mentioned by Ibn Saad in his "Tabaqat", Abu Nu`aym in "Hilyat al-Awliyā" and al-Dhahabi in "Siyar A`lam al-Nubalaā" on the authority of Ibrahim al-Nakha'i رحمه الله.

Fifth: Burying a person in a coffin involves imitating the people who live the most luxurious lives in this world.

Sixth: It contradicts the submission and humility intended by putting him into the dirt.

And lastly: It involves a waste of money.

These are the seven reasons that the scholars mentioned regarding the ruling on burying in a coffin and that it is not permissible.



SHOULD THE GRAVE BE FLATTENED OR HUMPED AND WHAT IS ITS HEIGHT FROM THE GROUND?

Here we will discuss the elevation and flatness of the grave.

First: Making the grave flat or humped like the back of a camel are both permissible though humped is better. This is indicated by the actions of the salaf (predecessors) عليهم السلام.

Second: As for the height of the grave, it is estimated to be one شبر Shibr (which is the

length of a hand-span), according to the agreement of the four schools of thought. It is recommended to raise the grave one cubit off the ground according to the agreement of the four schools of thought.

Third: Marking the grave and placing a sign (a rock) on it is desirable, because the Messenger of Allah ﷺ marked the grave of عثمان بن مظعون Othman ibn Madh'un رضي الله عنه with a rock as a marker.



THE RULING ON SPRINKLING THE GRAVE AND PLACING GRAVEL ON IT AND THE RULING ON PLACING BRANCHES OR FLOWERS ON IT

First: Sprinkling the grave and placing gravel on it is also recommended, as the predecessors did, to stabilize the dirt on the grave. This sprinkling is done after burial, and it should not happen all the time unless there is a need to stabilize the gravel, dirt, or clay on the grave.

Second: Placing branches or flowers on the grave is unlawful and is among the innovations in the religion and an imitation (of the ways) of non-Muslims.

10

THE RULING ON AN EPITAPH AND PLASTERING

First: It is not permissible to write on graves because it is forbidden, as in Sahih Muslim and elsewhere according to the authors of sunnah, unless there is a need within the government or the person in charge of the cemetery to put numbers on the graves to count or identify them. This is for the sake of public interest which is permissible. As for other writings on the grave, they are not permissible because of the prohibition against that.

Second: As for plastering or mudding the grave by placing this white plaster or clay on top of it. If the plastering or mud coating is for the purpose of preserving the grave, then it is permissible. However, if the intention is to decorate the grave or to make it look good, or to show off and be proud, then it is not permissible.



11

THE RULING OF BUILDING ON TO GRAVES AND THE ENTOMBMENT IN HOMES AND ON FARMS

First: Building on to graves is not permissible because of the prohibition of building on to graves mentioned in more than one authentic hadith in which the Prophet ﷺ forbids building on to graves.

Second: As for the issue of burial in homes and on farms, there is no doubt that burial should be in a cemetery, and the jurists in the four schools of thought have agreed that it is better for burial to be in a cemetery prepared

for the burial of dead Muslims, and that this is better than burial in homes, dwellings, farms, gardens, and the like. They cited as evidence what the Prophet ﷺ and the companions did, and that they used to bury their dead in Al-Baqi' cemetery. Cemeteries are like dwellings of the afterlife. There is a lot of supplication and asking of mercy for the dead in the graves from those who visit them or pass by them, therefore goodness and blessings befall them because of that. Thus, it is preferable for burial to be in the cemetery.

The scholars differed concerning burying the dead in homes and the like, there are two well-known opinions among the scholars: some of them said that it is permissible to bury the dead in homes and on farms, even if it is contrary to that which is more appropriate, and some of them said that it is forbidden to bury in homes and similar private properties. This is also the opinion of many scholars and they cited as evidence the hadith:

«اجْعَلُوا فِي بُيُوتِكُمْ مِنْ صَلَاتِكُمْ وَلَا تَتَّخِذُوهَا قُبُورًا».

“Perform some of your prayers in your houses, and do not turn them into graves.”⁽¹³⁾

(13) Narrated by Al-Bukhari (432) and Muslim (777).

The hadith indicates that it is disliked to bury in homes, and what is more explicit than this hadith is the hadith of Abu Hurairah رضي الله عنه that the Messenger of Allah ﷺ said:

«لا تجعلوا بيوتكم مقابر، إن الشيطان ينفر من البيت الذي تقرأ فيه سورة البقرة».

“Do not turn your houses into graveyards. Satan runs away from the house in which Surat Al-Baqarah is recited.”⁽¹⁴⁾

Third: Burying in homes causes harm to the living heirs because the grave in the house is considered a defect due to which the sale of the house becomes unsuccessful. No one buys a house with a grave in it. This is one of the proofs of the prohibition of burying the dead in houses.

Fourth: The grave of the deceased, which is buried inside the house, is not protected from being dug up or being in contact with impurities and other types of corruption.

Fifth: Burial in homes is a practice that is specific to Prophets. Ibn Hajar رحمه الله said:

«وَإِذَا حُمِلَ دَفَنُهُ ﷺ فِي بَيْتِهِ عَلَى الْإِخْتِصَاصِ لَمْ يَبْعُدْ نَهْيُ غَيْرِهِ عَنْ ذَلِكَ بَلْ هُوَ مُتَّجَهٌ».

(14) Narrated by Muslim (780).

“And if the burial of the Prophet ﷺ in his house is understood in light of being specific (to him), then the prohibition of others from doing so is not far-fetched, rather it has a significant meaning.”⁽¹⁵⁾

Sixth: The dead person (who is buried) in the house is deprived of the goodness of the visitors and those who pass by cemeteries to say the greetings and prayers. So, this is the most correct opinion on the issue, which is that it is not permissible to bury the dead in homes and on farms, instead they should be buried in the cemeteries.



(15) Fath Al-Bari (4/529)

12

THE RULING OF PUTTING GRAVES IN MOSQUES

Burying the dead inside mosques: Many scholars have stated that it is forbidden to bury the dead inside the mosque where the prayers are established.

First: It is not permissible to pray in a mosque in which there is a grave, and this is one of the opinions of the four schools of thought. Rather, the Shafi'i and Hanbali jurists declared that it is obligatory to dig up the grave of someone who was buried in a mosque or other similar

places, such as schools and other places. The prohibition of burying the dead in the mosque is indicated by the fact that it is a means of honoring the dead who is buried in that grave which may lead to worshiping him and falling into associating others with Allah Almighty (in worship) . It has also been mentioned in many hadiths that it is forbidden to build mosques over graves, and there is no doubt that burying the dead in a mosque is part of taking graves as mosques.

Second: Burying the dead in the mosque is an opposition to the one who built and endowed the mosque to be a place of worship, as it is a violation of the condition of the donor who designated the area for something other than that (ie: other than placing graves in it). To the prohibition of burying in mosques, schools can be added to the mosques, as well as any other place in which there are public gatherings; because burying there is intended to glorify the buried, and this is undoubtedly a means of worshiping them and drawing nearer to them, and then (this leads to) associating others with Allah, despite its violation of the Sunnah of the Prophet ﷺ and the Muslims after him.



13

ISSUES RELATED TO THE BURIED

Here we will discuss some issues related to the dead in the grave.

The grave of the martyr

The jurists of the four madhahib (schools of thought) stated that the Sunnah is that they be entombed where they were killed and that they should not be moved elsewhere. They cited as evidence the hadith of Jabir ibn Abdilah who said:

«عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ، قَالَ كُنَّا حَمَلْنَا الْقَتْلَى يَوْمَ أُحُدٍ لِنَدْفِنَهُمْ فَجَاءَ مُنَادِي النَّبِيِّ ﷺ فَقَالَ إِنَّ رَسُولَ اللَّهِ ﷺ يَأْمُرُكُمْ أَنْ تَدْفِنُوا الْقَتْلَى فِي مَضَاجِعِهِمْ فَرَدَدْنَاهُمْ».

“We were carrying the dead on the day of Uhud to bury them (at another place), then the caller of the Prophet ﷺ came and said: The Messenger of Allah ﷺ has commanded you to bury the martyrs at the place where they fell. So we took them back.”⁽¹⁶⁾

The hadith clearly indicates that the martyr must be buried where he was killed and not moved to another place unless the ruler finds an interest (in doing so) or tries to prevent a certain harm thereby. As this would fall within his duties of leadership.

The issue of Muslim graves in non-Muslim lands

If a Muslim dies in the lands of non-Muslims, his guardian or whoever among the Muslims knows about him must move him from the lands of nonbelievers to the lands of Muslims so that he can be buried in the lands of Islam. This was mentioned by many scholars in the books of fiqh

(16) Narrated by Ahmad (14169), Abu Dawud (3165), Ibn Majah (1516), Al-Nasa'i (2005), and Al-Tirmidhi (1717)

(jurisprudence). They also said: It is not permissible for a Muslim to be buried among nonbelievers or in their graveyards; that would be an offense to the Muslim. Since in the graveyards of Muslims there is mercy while in the graveyards of the disbelievers there is torment.⁽¹⁷⁾

Ibn al-Qasim from the Malikis was asked about a Christian woman who converted to Islam upon her death and was buried in a christian cemetery, and Ibn al-Qasim said: "Go and dig her up, then make ghusl to her and perform janazah prayer over her, unless her body has decomposed." According to the Maliki doctrine, it is obligatory to dig up a Muslim who is buried in non-muslim graveyards if there is no fear of severe decomposition.

The transport and transfer of a Muslim's grave to an Islamic country is related to ability. If it is not possible to transfer him, he should then be buried in non-Muslim countries, but in cemeteries other than theirs if there are Islamic cemeteries in which he can be buried.

Non-Muslims graves in Muslim cemeteries

Another issue related to graves: the graves of non-Muslims in Muslim cemeteries. Jurists have agreed that

(17) This is what Al-Nawawi رحمه الله said in "Al-Majmu" (5/248), and Sheikh Al-Islam in "Jurisprudential choices" (p. 94)

non-Muslims should not be buried in Muslim cemeteries. They said: Since the graves of the disbelievers are a place of torment and anger, they and the place of mercy should not be in the same spot because of the harm that may befall Muslims, and they cited as evidence the hadith of Bashir Ibn Al-Khasasiyah رضي الله عنه said:

«أَنَّ بَشِيرَ ابْنَ الْخَصَاصِيَّةِ، قَالَ كُنْتُ أَمْشِي مَعَ رَسُولِ اللَّهِ ﷺ فَمَرَّ عَلَى قُبُورِ الْمُسْلِمِينَ فَقَالَ "لَقَدْ سَبَقَ هَؤُلَاءِ شَرًّا كَثِيرًا". ثُمَّ مَرَّ عَلَى قُبُورِ الْمُشْرِكِينَ فَقَالَ "لَقَدْ سَبَقَ هَؤُلَاءِ خَيْرًا كَثِيرًا". فَحَانَتْ مِنْهُ الْتِفَاتُهُ فَرَأَى رَجُلًا يَمْشِي بَيْنَ الْقُبُورِ فِي نَعْلَيْهِ فَقَالَ "يَا صَاحِبَ السَّبْتَيْتَيْنِ أَلْقِهِمَا».

I was walking with the Messenger of Allah ﷺ and he passed by the graves of the Muslims and said: "They died before a great deal of evil came to them." Then he passed by the graves of the idolators and said, "They died before a great deal of good came to them." Then he suddenly saw a man walking between the graves in his sandals and said to him: "O you with the Sabtiyah sandals, take them off."⁽¹⁸⁾

(18) Narrated by Ahmad (20806), Abu Dawud (3330), Ibn Majah (1568), Al-Hakim (1380), and authenticated by Al-Nawawi in Al-Majmu' (5/288)

Ibn Hazm رحمه الله said, “Therefore, separating the graves of Muslims from the graves of polytheists is authenticated by this (Hadith).”⁽¹⁹⁾

Al-Bayhaqi narrated in the Book of "al-Jizyah" tribute, on the authority of Omar ibn al-Khattab رضي عنه that he imposed some conditions on the people of the Dhimmah while paying the jizyah, and it was stated in what the Dhimmis wrote among the conditions for Omar: "And we shall not bring our dead near to the Muslim's. This is what this issue is about. Furthermore, the hadith indicates the obligation of burying the dead even if he is an unbeliever, not just within relatives, but rather it is general for every dead person, according to the hadith of Ali رضي عنه who said:

حديث علي رضي عنه قال: «قُلْتُ لِلنَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِنَّ عَمَّكَ الشَّيْخَ الضَّالَّ قَدْ مَاتَ، قَالَ: اذْهَبْ فَوَارِ أَبَاكَ، ثُمَّ لَا تُحْدِثَنَّ شَيْئًا، حَتَّى تَأْتِيَنِي فَذَهَبْتُ فَوَارَيْتُهُ وَجِئْتُهُ فَأَمَرَنِي فَأَغْتَسَلْتُ وَدَعَا لِي».

“I said to the Prophet صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: “Your paternal uncle, the old misguided man has died. Who will bury him?’ He said, ‘Go and bury your father, then do not do anything until you come to me.’ So I buried him then I came, and he told me to perform Ghusl and he prayed for me.”⁽²⁰⁾

(19) Al-Muhalla (3/367).

(20) Narrated by Abu Dawud (3214) and Al-Nasa'i (2006).

If the hadith is authentic⁽²¹⁾, it indicates the obligation of burying the dead even if he was an unbeliever, and this is also indicated by what is narrated by Anas ibn Malik on the authority of Abu Talha that:

عن أبي طلحة: «أَنَّ رَسُولَ اللَّهِ ﷺ أَمَرَ يَوْمَ بَدْرٍ بِأَرْبَعَةٍ وَعِشْرِينَ رَجُلًا مِنْ صَنَادِيدِ قُرَيْشٍ فَقَذَفُوا فِي طَوِيٍّ مِنْ أَطْوَاءِ بَدْرٍ خَبِيثٍ مُخْبِثٍ».

“On the day of Badr, the Prophet ﷺ ordered that the corpses of twenty four leaders of Quraish should be thrown into one of the dirty dry wells of Badr.”⁽²²⁾



(21) Al-Albani رحمه الله said in "Irwā Al-Ghalil": This is an authentic chain of narration whose narrators are all trustworthy, some of them are narrators of the two sheikhs, except for Najiya ibn Ka'b, who is trustworthy, as in "Al-Taqreeb." And he said in "Al-Talkhees" (157): "The focus of Al-Bayhaqi's words is that it is a weak hadith, and the reason for its weakness is not clear, and Al-Rafi'i said that it is an established and well-known hadith." He said that in his (Amalee). Al-Albani said: "I said: Perhaps the reason for its weakness according to Al-Bayhaqi is that it is from the narration of Abu Ishaq, who is Al-Subai'i, and he was mixed up." The answer is that a group of people narrated it from him, as we pointed out (before), and among them is Sufyan Al-Thawri, and he is one of the most reliable people who took hadith from him, because narrated (this hadith) from him in the past, before the mixing, so this solves the problem.

(22) Narrated by Al-Bukhari (3976) and Muslim (2874)

14

INSTRUCTING TO BE BURIED IN A SPECIFIC CEMETERY

Another of the issues related to the rulings on the graves is giving instructions to be buried in a specific cemetery. As we mentioned before, the best practice for the deceased is to be buried in the cemetery of the country in which he died. Ibn Al-Munthir رحمه الله said:

«يُسْتَحَبُّ أَنْ يُدْفَنَ الْمَيِّتُ فِي الْبَلَدِ الَّذِي تُؤْفَى فِيهِ، عَلَى هَذَا
كَانَ الْأَمْرُ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ وَعَلَيْهِ عَوَامُّ أَهْلِ الْعِلْمِ».

It is recommended that the dead be buried in the country in which they died. This was the case during the time of the Messenger of Allah ﷺ and this is the opinion of the majority of scholars.”

If there are many cemeteries in the country and a person instructed before his death to bury him in a specific cemetery, then his instruction will be executed if there is no offense against the religion in implementing it, or harm to the dead, or to the living.

However, if the instruction for burial in a specific cemetery requires transporting the dead person from the country in which he died to another country, either far away or close to the country of death, here the scholars have different and detailed opinions regarding this issue. The most likely opinion after looking at the (supporting) evidence (for each of these opinions) is that the ruling on transporting the dead person from one country to another varies according to circumstances and places.

Transporting (the dead) may be forbidden or disliked, and it may be permissible, recommended or obligatory:

It is ***forbidden*** to transport the dead from one country to another if that transport leads to the decomposition of

the dead body or its sanctity is violated. Accordingly, if the deceased made a will before his death to transport him, and this was the case, his will should not be executed and it's forbidden to let it go through.

Transporting the dead from one country to another may become **obligatory** in cases of necessity, such as if the dead person is in a war zone, or in a place where there is fear that he will be dug up, burned, or mutilated. Likewise, if a Sunni died in the country of Mu'tadi'ah (innovators); Accordingly, it is necessary to act on the deceased's will if he has ordered to be moved from there.

The transport of the dead person becomes **permissible** if the transfer is from one country to another for a valid purpose or interest, and the transfer of the dead person does not violate his sanctity or expose him to decomposition or cause any type of hardship or harm for the living who are responsible for transporting him. In this case, it is more appropriate to act on the will of the dead person if he instructed before his passing that he be transported after his death. However, if the will (contains the instruction) to transport the deceased was for an incorrect purpose or would cause hardship or difficulty to the living relatives of the deceased or others. It is **better not** to carry out the (instruction in his) will, but rather to bury

him in the cemetery of the country in which he died, if there are Muslims who can do so.

This is a summary of the opinions of scholars on this issue.



15

RULINGS ON VISITING THE GRAVES

We will also mention some of the rulings on visiting graves: The ruling on visiting graves is that it's recommended according to the majority of scholars from the predecessors and successors. Indeed, some scholars conveyed consensus on its desirability, and they cited well-known hadiths as evidence, including the hadith of Abu Hurairah رضي الله عنه who said:

عَنْ أَبِي هُرَيْرَةَ، قَالَ زَارَ النَّبِيُّ ﷺ قَبْرَ أُمِّهِ فَبَكَى وَأَبَكَى مَنْ حَوْلَهُ فَقَالَ: «اسْتَأْذَنْتُ رَبِّي فِي أَنْ أَسْتَغْفِرَ لَهَا فَلَمْ يُؤْذَنْ لِي وَاسْتَأْذَنْتُهُ فِي أَنْ أَزُورَ قَبْرَهَا فَأُذِنَ لِي فَزُورُوا الْقُبُورَ فَإِنَّهَا تُذَكِّرُ الْمَوْتَ».

“The messenger of Allah ﷺ visited the grave of his mother and he wept, and moved others around him to tears and said: ‘I sought permission from my Lord to beg forgiveness for her but it was not granted to me, and I sought permission to visit her grave and it was granted to me so visit the graves, for that makes you mindful of death.’⁽²³⁾

This is an evidence of the desirability of visiting the graves derived from the action of the Prophet ﷺ, from his command as is apparent, and also from the hadith:

«كنت نهيتكم عن زيارة القبور فزوروها».

“I had forbidden you from visiting graves, but you may now visit them.”⁽²⁴⁾

It being recommended is what is understood from this command according to the people of knowledge. So, it is desirable to visit graves, and here I am quoting a benefit

(23) Narrated by Muslim (976), Abu Dawud (3234), Al-Nasa'i (2034), and Ibn Majah (1572)

(24) Narrated by Muslim (1977)

from Ibn al-Qayyim رحمه الله in his book Ighathat Al-Lahfān: "Relief of the Eagerest". He said:

«المقصود من زيارة القبور ثلاثة أشياء: تذكر الآخرة والاعتبار والاعتاظ، وقد أشار النبي ﷺ إلى ذلك بقوله: «زُورُوا الْقُبُورَ فَإِنَّهَا تُذَكِّرُ الْآخِرَةَ»، الثاني: الإحسان إلى الميت وأن لا يطول عهده به فيهجره ويتناساه، ولهذا شرع النبي ﷺ للزائرين أن يدعوا لأهل القبور بالمغفرة والرحمة وسؤال العافية، الثالث من المقصود من زيارة القبور: إحسان الزائر إلى نفسه باتباع السنة والوقوف عند ما شرعه الرسول ﷺ فيحسن إلى نفسه وإلى المزور».

“The purpose of visiting graves is that there are three things involved therein: (the first) remembering the afterlife, consideration, and learning lessons . The Prophet ﷺ referred to this by saying: ‘Visit the graves, for they remind you of the afterlife’. The second: Being kind to the dead, and not leaving a long period of time without visiting them, lest this will lead to abandoning them and forgetting them. This is why the Prophet ﷺ prescribed for the visitors to ask Allah for forgiveness and mercy for the people of the graves, and to ask for well-being for themselves. The third purpose of visiting graves is that the visitor does good to himself by following

the Sunnah and adhering to what the Messenger ﷺ prescribed, so he does good to himself and to those he is visiting.”⁽²⁵⁾

The bottom line is that the purposes of visiting graves are: remembering the afterlife, doing good for the dead, doing good to the visitor himself and following the Sunnah.



(25) Ighathat Al-Lahfān (1/218).

16

THE RULING ON WOMEN VISITING THE GRAVES

As for what we mentioned previously, the issue of the visits of men is desirable as indicated by the evidence. We now turn to the issue of women visiting cemeteries.

It should be known first that the scholars do not disagree that if a woman knows from herself that if she visits the cemetery, she might say or do what is not permissible in words and actions, then it is not permissible for her to visit the cemetery; For example, if she goes to

the cemetery to renew sadness, crying, mourning, lamentation, and shouting. According to the consensus of scholars, it is not permissible for her to visit graveyards. Likewise, if she goes out without her husband's permission, or if her going out violates her husband's right, or if she is not dressed properly when she goes out, or if her going out is a fitnah (temptation) for her or others, or if it involves corruption, displaying immoral acts, taking graves as places for picnicking, wasting time, and the like. All of the scholars agree that it is not allowed and prohibited.

However, if the visit is free of these evils and temptations, the scholars differed into three opinions:

The first opinion: is that it is permissible for women to visit graveyards (permissibility).

The second opinion: is that it is desirable for women to visit graves like men with the conditions previously mentioned. They cited the generality of the hadiths as evidence (such as):

«كنت نهيتكم عن زيارة القبور فزوروها».

“I had forbidden you from visiting graves,
but you may now visit them.”⁽²⁶⁾

(26) Previously cited in the footnote 25

(They said) his command ﷺ: “Visit them” is general for men and women, but women are only partners of men in the Shari’a rulings.

Also from the evidence is what is narrated by Abdullah ibn Abi Mulayka:

«أَنَّ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا أَقْبَلَتْ ذَاتَ يَوْمٍ مِنَ الْمَقَابِرِ فَقُلْتُ لَهَا: يَا أُمَّ الْمُؤْمِنِينَ مِنْ أَيْنَ أَقْبَلْتِ؟ قَالَتْ: مِنْ قَبْرِ أَخِي عَبْدِ الرَّحْمَنِ بْنِ أَبِي بَكْرٍ فَقُلْتُ لَهَا: أَلَيْسَ كَانَ رَسُولُ اللَّهِ ﷺ نَهَى عَنْ زِيَارَةِ الْقُبُورِ؟ قَالَتْ: نَعَمْ كَانَ نَهَى ثُمَّ أَمَرَ بِزِيَارَتِهَا».

“One day, Aisha رَضِيَ اللَّهُ عَنْهَا came from the graves, and I said to her: O Mother of the Believers, where did you come from? She said: From the grave of my brother Abdul Rahman bin Abi Bakr. So I said to her: Didn’t the Messenger of Allah ﷺ forbid visiting the graves? She said: "Yes, he forbade it and then (he) ordered visiting them.”⁽²⁷⁾

Aisha رَضِيَ اللَّهُ عَنْهَا understood their inclusion (i.e women) in the general permission to visit graves, (equally) for men and women , and they also cited as evidence the hadith of Aisha رَضِيَ اللَّهُ عَنْهَا -which is a long hadith - and in this hadith she said:

(27) Narrated by Al-Hakim (1392), and Al-Bayhaqi in Al-Sunan Al-Kubra (7207)

«كَيْفَ أَقُولُ لَهُمْ يَا رَسُولَ اللَّهِ؟ قَالَ قُولِي: السَّلَامُ عَلَى أَهْلِ الدِّيَارِ مِنَ الْمُؤْمِنِينَ وَالْمُسْلِمِينَ، وَيَرْحَمُ اللَّهُ الْمُسْتَقْدِمِينَ مِنَّا وَالْمُسْتَأْخِرِينَ، وَإِنَّا إِن شَاءَ اللَّهُ بِكُمْ لَا حِقُونَ».

“I said, ‘Messenger of Allah, how should I pray for them (how should I beg forgiveness for them)?’ He said: ‘Say, Peace be upon the inhabitants of this city (graveyard) from among the Believers and the Muslims, and may Allah have mercy on those who have gone ahead of us, and those who come later on, and we shall, God willing, join you.’⁽²⁸⁾

So the Prophet ﷺ taught her the supplication for visiting graves. This indicates the permissibility and legitimacy of women visiting graves, under the Shari’a controls and the known conditions.

Therefore, his teaching ﷺ of this supplication to Aisha رضي الله عنها indicates that it is permissible for women to visit the graves.

They also cited the hadith of Anas رضي الله عنه as evidence:

«مَرَّ النَّبِيُّ ﷺ بِامْرَأَةٍ تَبْكِي عِنْدَ قَبْرِ، فَقَالَ: «اتَّقِي اللَّهَ وَاصْبِرِي» فَقَالَتْ: إِلَيْكَ عَنِّي؛ فَإِنَّكَ لَمْ تُصَبِّ بِمُصِيبَتِي وَلَمْ تَعْرِفْهُ، فَقِيلَ

(28) Narrated by Muslim (974)

لَهَا: إِنَّهُ النَّبِيُّ ﷺ فَأَتَتْ بَابَ النَّبِيِّ ﷺ فَلَمْ تَجِدْ عِنْدَهُ بَوَّابِينَ،
فَقَالَتْ: لَمْ أَعْرِفْكَ، فَقَالَ: «إِنَّمَا الصَّبْرُ عِنْدَ الصَّدْمَةِ الْأُولَى».

“The Prophet ﷺ passed by a woman who was weeping beside a grave. He told her to fear Allah and be patient. She said to him: "Go away, for you have not been afflicted with a calamity like mine." And she did not recognize him. Then she was informed that he was the Prophet ﷺ. So, she went to the house of the Prophet ﷺ and there she did not find any guard. Then she said to him: "I did not recognize you." He said: "Verily, patience is at the first shock of a calamity.”⁽²⁹⁾

The Prophet ﷺ did not forbid her from visiting graves. He did not deny her sitting by the grave, but rather approved of this action, and the acknowledgment is an evidence and proof, and this is what many people of knowledge have said, and there is a well-known disagreement on the issue.

But what is most likely in our view is the legitimacy and desirability of women visiting graves under Shari’a conditions, with security from temptation and the other things that we (previously) mentioned.

(29) Narrated by Al-Bukhari (1283) and Muslim (926)

17

VISITING THE GRAVES OF DISBELIEVERS

The Shafi'is, Hanbalis, and Zahiris followed the opinion that it is permissible for a Muslim to visit the graves of disbelievers for the sake of admonition and consideration, but he should not pray for them or greet them. He should only go for admonition and consideration, and they cited as evidence the hadith of Abu Hurairah رضي عنه who said:

حديث أبي هريرة رضي عنه قال: «زَارَ النَّبِيُّ ﷺ قَبْرَ
أُمِّهِ، فَبَكَى وَأَبْكَى مَنْ حَوْلَهُ».

“The Prophet (ﷺ) visited the grave of his mother and wept, causing the people around him to weep.”⁽³⁰⁾

Al-Mawardi from the Shafi’i is followed the opinion that it is forbidden for a Muslim to visit the grave of a disbeliever, and he cited as evidence the words of Allah Almighty:

﴿وَلَا تُصَلِّ عَلَى أَحَدٍ مِّنْهُمْ مَّتَّ أَبَدًا وَلَا تَقُمْ عَلَى قَبْرِهِ﴾

“Do not pray [the funeral prayer, O Muhammad], over any of them who has died - ever - or stand at his grave.”⁽³¹⁾

The majority of scholars answered that what is meant by the verse is to stand at the grave of the disbeliever, pray for him and ask forgiveness for him. This is forbidden in this verse and in others. As for visiting the grave of the disbelievers to learn a lesson and remember death, the evidence remains at the general level, and this verse does not prohibit visiting the graves of the disbelievers.

The Shafi’i and Hanbali jurists have stated that it is not permissible to visit the graves of the disbelievers, nor to greet them or ask forgiveness for them. Rather, the Hanbalis mentioned that the visitor to the graves of the disbelievers (should) give them the tidings of Hell-fire, and they cited as evidence the hadith of Sa’d ibn Abi Waqqas, who said:

(30) Sunan ibn Majah (1572)

(31) Surah Al-Tawbah Verse: 84

حديث سعد بن أبي وقاص قال: «جاء أعرابي إلى النبي ﷺ فقال: يا رسول الله، إنَّ أبي كان يصلُّ الرِّحْمَ، وكانَ، وكانَ .. فأينَ هو؟، قال: في النَّارِ، فكأنَّه وجدَ مِن ذلكَ، فقال: يا رسولَ الله، فأينَ أبوك؟، فقال رسولُ الله ﷺ: حيثُما مرَّرتَ بِقَبْرِ كافرٍ فبشِّره بالنَّارِ، قال: فأسلمَ الأعرابيُّ بعدُ، وقال: لَقَدْ كَلَّفَني رسولُ الله ﷺ تعبًا، ما مرَّرتُ بِقَبْرِ كافرٍ إلَّا بشَّرتُهُ بالنَّارِ».

“A Bedouin came to the Prophet ﷺ and said: ‘O Messenger of Allah, my father used to uphold the ties of kinship, and so and so forth, where is he?’ He said: ‘In the Fire.’ It was as if he found that difficult to bear. Then he said: ‘O Messenger of Allah. Where is your father?’ The Messenger of Allah ﷺ said: ‘Whenever you pass by the grave of an idolater, give him the tidings of Hell-fire.’ The Bedouin later became Muslim, and he said: ‘The Messenger of Allah ﷺ gave me a difficult task. I never passed by the grave of an idolater except that I gave him the tidings of Hell-fire.’⁽³²⁾

We have finished this issue. There are also some other issues to be discussed.

(32) Narrated by Al-Tabarani (326), and see: “Silsilat Al-Ahadiith Al-Sahihah” (18).

18

THE RULING ON PRAYING IN CEMETERIES

The ruling on praying in a cemetery: There are too many opinions (in this regard), and the most correct opinion on this issue is that praying in the graveyard is forbidden and not permissible due to the strength of the evidence.

If the most correct opinion is that prayer near graves is forbidden due to the prohibition of taking graves as mosques, then is the prayer (in them) valid or invalid? The Shafi'is and others say that prayer is null and void in the cemetery. As for Ahmad, the narrations differed in this

regard. (The first opinion is that) praying in the cemetery is valid with the prohibition, because the prohibition is due to a meaningful reason within the prayer, just as if a man was praying with a gold ring on his hand. (The second opinion is that) praying in the cemetery is not valid if the prohibition is known, otherwise it is valid. There is also a third opinion which considers prayer in the cemetery null and void under any circumstances. Ibn Muflih said:

«وهذا أشهر وأصح في المذهب اختاره الأصحاب».

“This is the most famous and correct (opinion) in the doctrine chosen by the companions (i.e: the hanbalis).”⁽³³⁾

Ibn Hazm said:

قال ابن حزم: قال أحمد بن حنبل: «مَنْ صَلَّى فِي مَقْبَرَةٍ أَوْ إِلَى قَبْرِ أَحَدٍ أَعَادَ أَبَدًا».

“Ahmed bin Hanbal said: “Whoever prays in a cemetery or to a grave must repeat it forever.”⁽³⁴⁾

This statement is the most correct opinion because prayer is an act of worship, and the person who is praying

(33) Al-Furoo' by Ibn Muflih (2/106).

(34) Al-Muhalla (2/350).

performed it in a forbidden manner, so it is not valid, just like the prayer and fasting of a menstruating woman.

This is all that is related to the issue of praying in cemeteries.



19

PRAYING OVER A JANAZAH IN A CEMETERY

The best thing is for the Janazah prayer to be performed in a hall designated for it “i.e: Musallah al-Janaaiz”. This is the Sunnah, guidance and custom of the Prophet ﷺ. It is also permissible to pray the janazah prayer in the mosque, and it is also permissible in every place where prayer is permissible.

Scholars differed regarding the ruling on performing janazah prayer in the cemetery. There are two well-known opinions in this regard:

Among them is the opinion of those who said that praying the funeral (prayer) in a cemetery is forbidden and not permissible. A group of Hanafi and Maliki scholars followed this opinion, and it is the view of the Shafi'is and a narration in the Hanbali doctrine. They cited as evidence the generality of the hadiths where the prohibition of praying in a cemetery is mentioned, such as the hadith of Abu Sa'eed رضي الله عنه (he said that) the messenger of Allah ﷺ said:

«الْأَرْضُ كُلُّهَا مَسْجِدٌ إِلَّا الْمَقْبَرَةَ وَالْحَمَّامَ».

“The whole earth is a mosque, with the exception of the graveyard and the bathroom.”⁽³⁵⁾

And the hadith of Anas رضي الله عنه:

حديث أنس رضي الله عنه: «أَنَّ النَّبِيَّ ﷺ نَهَى أَنْ يُصَلَّى بَيْنَ الْقُبُورِ».

“The Prophet ﷺ forbade praying between graves.”⁽³⁶⁾

In addition to the hadiths and narrations from the Companions indicating that it is forbidden to perform janazah prayer in a cemetery.

(35) Narrated by Al-Tirmidhi (317)

(36) Narrated by Ibn Hibban (1698), and Al-Albani said in Ahkam Al-Janaiz (270): It is authentic due to other supporting narrations

However, there are some **hadiths** that indicate the permissibility and legitimacy of performing janazah prayer in a cemetery. The second opinion, which is one of the opinions according to the Hanafi and Maliki schools, and it is the (predominant) opinion of the Hanbalis, and the Dhahirites also followed it, and it is the most likely opinion on this issue that the janazah prayer is permissible in a cemetery.

First: Based on what the Prophet ﷺ did as he prayed over the grave of the deceased inside the cemetery, as stated in the authentic hadiths narrated by Ibn Abbas, Abu Hurairah, Anas and others, which are a clear evidence of the permissibility of janazah prayer in the cemetery, and that the cemetery is a place for praying over the dead, whether he is (buried) in his grave or before that. This action of the Prophet ﷺ is a specification of the (general) prohibition of praying in a cemetery. Ibn Hazm رحمه الله said, after citing the hadiths prohibiting prayer in a cemetery:

«وَكُلُّ هَذِهِ الْأَثَارِ حَقٌّ، فَلَا تَحِلُّ الصَّلَاةُ حَيْثُ ذَكَرْنَا،
إِلَّا صَلَاةَ الْجَنَازَةِ فَإِنَّهَا تُصَلَّى فِي الْمَقْبَرَةِ».

“All of these narrations are true, so prayer is not permis-

sible where we mentioned, except for the Janazah prayer, which is allowed to be performed in the cemetery.”⁽³⁷⁾

Second: Also from the evidence is the actions of the righteous predecessors among the Companions and predecessors. It was narrated that Nafi’ said:

قال نافع رضي الله عنه: «لقد صلينا على عائشة وأم سلمة وسط البقيع بين القبور، قال: والامام يوم صلينا على عائشة أبو هريرة، وحضر ذلك ابن عمر».

“We prayed over ‘Aisha and Umm Salamah in the middle of Al-Baqi’ between the graves. He said: “And the Imam on the day we prayed over A’isha was Abu Hurairah, and Ibn Omar attended that.”⁽³⁸⁾

These statements of the Companions were mentioned by Abd al-Razzaq in his book with authentic chains of transmission, and Ibn al-Mundhir said:

قال ابن المنذر: «وكان عمر بن عبد العزيز يفعل ذلك».

Omar ibn Abdul ‘Aziz used to do that.”⁽³⁹⁾

(37) Al-Muhalla (2/351)

(38) Al-Musannaf of Abdul Razzaq (6570)

(39) See: Al-Awssat (6/417)

So, this was done by two of the senior companions and by the action of one of the Muslim caliphs, the Caliph Omar ibn Abdul Aziz. The Companions prayed janazah prayer over the Mother of the Believers between the graves in Al-Baqi' cemetery, and no prohibition or disagreement was reported from any of the Companions and its permissibility was acknowledged by those who were present. Performing janazah prayer in the cemetery is excluded from the prohibition against praying in graveyards. This is the strongest opinion in this matter.



PRAYING FOR THE DEAD AT THE GRAVE AFTER BURYING HIM

Praying for the dead at the grave after burying him, seeking forgiveness for him upon completing his burial and asking for steadfastness for him is recommended according to the majority of scholars. This based on the hadith of Othman رضي الله عنه who said:

حديث عثمان رضي الله عنه قال: «كَانَ رَسُولُ اللَّهِ ﷺ إِذَا فَرَغَ مِنْ دَفْنِ الْمَيِّتِ وَقَفَ عَلَيْهِ وَقَالَ: «اسْتَغْفِرُوا لِأَخِيكُمْ وَسَلُّوا لَهُ التَّثْبِيتَ، فَإِنَّهُ الْآنَ يُسْأَلُ».

“Whenever the Messenger of Allah ﷺ finished the burial of the dead, he would stand by the grave and say: “Seek forgiveness for your brother and pray for him to be steadfast, because he is now being questioned.”

This indicates the legitimacy of praying for the dead at the grave, seeking forgiveness for him and asking Allah to provide him with steadfastness because he is being questioned at that moment and he is in great need of supplication.⁽⁴⁰⁾



(40) Narrated by Abu Dawud (3221), Al-Hakim (1372), and Al-Bayhaqi (6856)

THE RULING ON INSTRUCTING THE DEAD IN HIS GRAVE AFTER BURIAL

There is a disagreement regarding this issue of instructing the dead in his grave after burial. Many fuqahā (jurists) have said that it is desirable, and others have said that instructing the dead in his grave is not permissible.

Ibn Taymiyyah رحمه الله said:

قال ابن تيمية رحمه الله: «وَكَرِهَهُ طَائِفَةٌ مِنَ الْعُلَمَاءِ
مِنْ أَصْحَابِ مَالِكٍ وَغَيْرِهِمْ».

“A group of Maliki scholars and others disliked it.”⁽⁴¹⁾

As for the evidence on which this opinion is based, is the fact that there is no evidence on the desirability or permissibility of this action. The basic principle in worship is prohibition and prevention unless there is evidence. Thus, (regarding this issue) there is no clear and authentic evidence regarding the desirability of instructing the deceased in his grave after burial.

Instructing the dead means telling him:

“O so-and-so, son of so-and-so (the name of his mother), remember what you were upon when you left this world, (which is) the testimony that there is no god worthy of worship except Allah, and that Mohammad is His servant and Messenger, and that you are content with Allah as your Lord, Islam as your religion and Mohammad as your Messenger, and with the Qur’an as your leading guide.”

They mentioned some narrations, but these narrations that were attributed to the righteous predecessors are not authentic. The people of knowledge have weakened them. Therefore, many scholars have said that this act is a newly-invented innovation that did not occur during the

(41) Majmou’ Al-Fatawa ;24/296)

era of the Prophet ﷺ nor during the era of the Companions and the rightly Guided Caliphs.

Ibn Qudamah رحمه الله said:

قال ابن قدامة رحمه الله: «أَمَّا التَّلْقِينُ بَعْدَ الدَّفْنِ فَلَمْ أَجِدْ فِيهِ عَنْ أَحْمَدَ شَيْئًا، وَلَا أَعْلَمُ فِيهِ لِلْأَئِمَّةِ قَوْلًا، سِوَى مَا رَوَاهُ الْأَثْرَمُ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ فَهَذَا الَّذِي يَصْنَعُونَ إِذَا دُفِنَ الْمَيِّتُ، يَقِفُ الرَّجُلُ، وَيَقُولُ: يَا فُلَانُ بْنُ فُلَانَةَ إِلَى آخِرِهِ فَقَالَ مَا رَأَيْتُ أَحَدًا فَعَلَ هَذَا إِلَّا أَهْلَ الشَّامِ حِينَ مَاتَ أَبُو الْمُغِيرَةَ».

“As for instructing (the dead) after burial, I did not find anything about it on the authority of Ahmad, and I do not know of any statements of the Imams regarding this, except for what Al-Athram narrated. He said: "I said to Abu Abdillah (I.e: Ahmad ibn Hanbal), ‘This is what they do, when the dead is buried, a man stands (by his grave) and says: O so-and-so, son of so-and-so’ etc’. He said: "I haven't seen anyone who did that except the people of Al-Sham (great Syria) when Abu Al-Mughirah passed away.”⁽⁴²⁾

The most correct opinion regarding this issue is that it is not permissible to instruct the deceased in his grave due to lack of evidence.

(42) Al-Mughni (3/438)

PRAYING FOR THE DEAD WHEN VISITING GRAVES

The issue of praying for the dead when visiting graves is legitimate and desirable, as we mentioned with a lot of evidence throughout this lecture regarding the offering of greetings to the dead and asking Allah to forgive them and to be pleased with them. In the long hadith of ‘Aisha رضي الله عنها as we indicated. Aisha said:

قالت عائشة: «انْطَلَقْتُ فِي إِثْرِهِ -تَعْنِي النَّبِيَّ ﷺ- حَتَّى جَاءَ الْبَقِيعَ، فَرَفَعَ يَدَيْهِ ثَلَاثَ مَرَّاتٍ، وَأَطَالَ الْقِيَامَ».

“So, I set out after him- she meant the prophet ﷺ - until he came to Al-Baqi', raised his hands three times and stood there for a long time.”⁽⁴³⁾

So, the Prophet ﷺ prayed for the dead when he visited them.

Ibn Abdul-Barr رحمه الله said:

قال ابن عبد البر: «فِيهِ دَلِيلٌ عَلَى أَنَّ زِيَارَةَ الْقُبُورِ وَالِدُّعَاءَ لِأَهْلِهَا عِنْدَهَا أَفْضَلُ وَأَرْجَى لِقَبُولِ الدُّعَاءِ فَكَأَنَّهُ أَمْرٌ أَنْ يَسْتَغْفِرَ لَهُمْ وَيَدْعُوَ بِالرَّحْمَةِ كَمَا قِيلَ لَهُ: ﴿وَاسْتَغْفِرْ لِذَنْبِكَ وَلِلْمُؤْمِنِينَ وَالْمُؤْمِنَاتِ﴾».

“There is evidence in this (hadith) that visiting the graves and praying for their dwellers thereby is better and the supplication is more likely to be answered, as he ﷺ was commanded to ask for forgiveness and seek mercy for them, as it was said to him ﷺ: [And ask forgiveness for your sin and for the believing men and believing women⁽⁴⁴⁾].”⁽⁴⁵⁾

(43) Narrated by Muslim (974)

(44) Surah Mohammad Verse: 19

(45) Al-Istidhkar (3/121)

23

CONDOLENCE AT THE GRAVEYARD

Condolences at the graveyard is an issue that is mentioned by the scholars. Condolences are permissible in every place, but the scholars dislike gathering in a specific place to offer condolences. As for offering condolences at the cemetery, a group of Hanafi and Maliki jurists said that it is disliked, while others disagreed and said that it is permissible when necessary. The most likely opinion is that offering condolences in the cemetery, if it does not prevent from fulfilling the dead person's rights

by praying and seeking forgiveness for him, then it's permissible, especially if the comforter sees that the afflicted person is distressed. Rather, it may be legitimate (i.e. desirable or obligatory). The clearest evidence of this is the hadith of Anas Ibn Malik رضي الله عنه who said:

حديث أنس ابن مالك قال: «مَرَّ النَّبِيُّ ﷺ بِامْرَأَةٍ تَبْكِي عِنْدَ قَبْرِ، فَقَالَ: "اتَّقِي اللَّهَ وَاصْبِرِي"».

“The Prophet ﷺ passed by a woman who was crying over a grave, and he said: “Fear Allah and be patient.” And he ﷺ consoled her.”

However, if the condolence at the graveyard distracts from taking care of the affairs of the dead or from praying for him, or it causes the dead's family to be busy with the condolence gatherings and not pray for their dead, or if offering condolences was in a specific form of gathering or in a particular place in the cemetery. All of this is disliked and prohibited by the scholars.



24 THE RULING ON WALKING ON GRAVES, STEPPING OR SITTING ON THEM

Among other issues at the end of this lecture is walking on graves or between graves with shoes on. This issue was discussed by the scholars, and the most likely opinion is that walking on graves or stepping on graves is forbidden and not permissible, and all the jurists from the four schools of thought and others followed this opinion. The dislike (for this action) came from many of the predecessors. They cited as evidence the hadith of Uqba ibn ‘Aamir رضي الله عنه, who said: The Messenger of Allah ﷺ said:

حديث عقبه بن عامر قال: قال رسول الله ﷺ: «لَأَنْ أَمْشِيَ عَلَى جَمْرَةٍ أَوْ سَيْفٍ، أَوْ أَخْصِفَ نَعْلِي بِرَجْلِي، أَحَبُّ إِلَيَّ مِنْ أَنْ أَمْشِيَ عَلَى قَبْرِ مُسْلِمٍ».

“If I were to walk on a live coal or a sword, or if I were to sew shoes to my feet, that would be better for me than walking on the grave of a Muslim.”⁽⁴⁶⁾

And he ﷺ said:

ويقول ﷺ: «لَأَنْ يَجْلِسَ أَحَدُكُمْ عَلَى جَمْرَةٍ، تَحْرِقُ ثِيَابَهُ فَتَخْلُصَ إِلَى جِلْدِهِ، خَيْرٌ لَهُ مِنْ أَنْ يَجْلِسَ عَلَى قَبْرِ».

“It is much better for one of you to sit on a live coal, which will burn his clothes and get to his skin than to sit on a grave.”⁽⁴⁷⁾

In this hadith, it is forbidden to sit and step on graves, as well as to walk between graves (with shoes). We previously mentioned the hadith of the man wearing the sabtiyah sandals, and that he ﷺ forbade him from walking in his sandals (between the graves).

(46) Narrated by Ibn Majah (1567) and Ibn Shaybah (11774).

(47) Narrated by Muslim (971)

As for walking on a grave, it's not permissible because stepping or walking on a grave is forbidden according to the apparent meaning of the hadiths. Which is that it is an insult and or a lack of respect for the dead. The Shari'a law came to respect the homes of the dead and to honor them.



25 THE RULING ON WALKING BETWEEN GRAVES WITH SHOES ON

There are also (different) opinions on the issue, some of whom said that this is permissible and others of them said that it is not permissible, and this is the most correct opinion because as mentioned previously, the hadith of Ibn al-Khasasiyah رضي الله عنه said:

حديث ابن الخصاصية رضي الله عنه قال: «بَيْنَمَا أَنَا أُمَاشِي رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مَرَّ بِقُبُورِ الْمُشْرِكِينَ فَقَالَ: لَقَدْ سَبَقَ هَؤُلَاءِ خَيْرٌ كَثِيرٌ ثَلَاثًا، فَمَرَّ بِقُبُورِ الْمُسْلِمِينَ فَقَالَ:

لَقَدْ أَدْرَكَ هَؤُلَاءِ خَيْرًا كَثِيرًا ثَلَاثًا، فَحَانَتْ مِنَ النَّبِيِّ ﷺ نَظْرَةٌ
 فَرَأَى رَجُلًا يَمْشِي بَيْنَ الْقُبُورِ فِي نَعْلَيْهِ، فَقَالَ: يَا صَاحِبَ
 السَّبْتَيْنِ أَلْقِ سَبْتَيْتِكَ. فَنَظَرَ الرَّجُلُ، فَلَمَّا عَرَفَ رَسُولَ اللَّهِ
 ﷺ خَلَعَهُمَا، فَرَمَى بِهِمَا».

“While I was walking with the Messenger of Allah ﷺ he passed the graves of polytheists . He said: "These people have missed much good" three times. Then he passed by the graves of Muslims and said: "These people have obtained much good". Suddenly the Prophet ﷺ looked up and saw a man walking between graves with his sandals on. He said: "You with the sabtiyah sandals, take off your sandals!". The man looked up and when he recognized the Prophet ﷺ he took them off and threw them away.”⁽⁴⁸⁾

This is an authentic hadith that supports the opinion that it is forbidden to walk between graves with shoes on.



(48) Previously cited in the footnote 19

26

RAISING VOICES IN THE CEMETERY

The last issue we will discuss in today's lecture is (the issue of the) raising of voices in the cemetery. The jurists from the four schools of thought agreed that it is disliked to raise one's voice while following the funeral (procession) or in the cemetery, even if that voice is in invocation, reading the Qur'an, asking forgiveness for the dead, or the like. The Prophet ﷺ used to be mostly silent or contemplate within himself during the funeral, and so his companions رضي الله عنهم and those who follow them in goodness, honor the deceased

with silence and dislike raising the voice during a funeral.

This is what we wanted to mention during this lecture of (Rulings of Graveyards in Islam).





We ask Allah Almighty to give us and you the understanding of our religion, just as we ask Him Almighty to protect our country and the countries of Muslims from all evil and temptation. We ask Him Almighty to guide our rulers to what He loves and is pleased with, and to provide them with good advisers.

Our Lord, give us in this world that which is good and in the hereafter (that which is good) and protect us from punishment of the Fire.

And the last of our call is and will always be: "Praise to Allah, Lord of the worlds".



